IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 2958 of 2002

Between:

T.Gopal Reddy, S/o. Venkateswara Reddy,
Sher Punjabi Dhaba, Near petrol Pump,
Gooti Road, Kurnool.

..... PETITIONER

AND

1 The Divisional Engineer (Assessments), AP Central Power Distribution Company Limited,
A.P.Transco, Mint Road,
Hyderabad.
2 Assistant Divisional Engineer (Distribution), A.P. Transco,
Kurnool.
3 Assistant Accounts Officer, ERO (Town),
Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in writ of Mandamus declaring the proceedings issued by the Second Respondent in reference LR No. ADE(D)/KNL/SBE/FNO.358/DNO.3330/2001, Dt. 15-11-2001 as illegal, arbitrary and violative of Fundamental Rights guaranteed under the Constitution of India, and consequently set aside the same by directing the respondents to restore the power supply to the SC No. 57877/Camps/Kurnool.

Counsel for the Petitioner:MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondents: Mr. V.AJAY KUMAR, (SC FOR AP TRANSCO)

The Court made the following :

ORAL ORDER:

This writ petition is filed questioning the orders passed by the second respondent, vide proceedings No. ADE (D)/KNL/SBE/Fno.358/DNO.3330/2001 dated 15.11.2001.

The facts of the case are that, pursuant to an inspection made on 8.11.2001, on the ground that the consumer has indulged in malpractice, proceedings were initiated for the assessment of the pilfered energy. While making the provisional assessment for the pilfered energy to the tune of Rs.3,54,872/-, there was an immediate demand of Rs.1,77,436/-, in order to continue the supply.

However, this court, at the stage of admission, granted interim orders to restore the power supply to the petitioner on condition of the petitioner depositing Rs.80,000/-. Several grounds are raised in the affidavit filed in support of this writ petition, disputing the allegations of malpractice and the consequent assessment made, with regard to the alleged pilfered energy. As much as the impugned proceeding is only a provisional assessment notice, it is for the authority to consider the objections, if any, filed by the petitioner-consumer, in the final assessment proceedings.

Keeping it open to the petitioner to raise all such objections before the final

assessing authority, I dispose of the writ petition directing the respondents to continue the supply till appropriate final orders are passed, pursuant to proceedings dated 15.11.2001. As the writ petition is of the year 2002, and no counter is filed as yet, in that view of the matter, the balance payable as per the impugned demand notice shall remain suspended till the disposal of the enquiry and passing of appropriate final orders.

With the above directions, the writ petition is disposed of. It is open for the respondents to pass appropriate final orders, if any, by conducting enquiry as per the terms and conditions of supply. No order as to costs.

5.7.2005

CVM

To,

1. The Divisional Engineer (Assessments), AP Central Power Distribution Company Limited,
   A.P.Transco, Mint Road,
   Hyderabad.
2 Assistant Divisional Engineer (Distribution), A.P. Transco,
   Kurnool.
3 Assistant Accounts Officer, ERO (Town),
   Kurnool.

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